

ASSEMBLY BILL

No. 1689

Introduced by Assembly Member Torres

January 26, 2010

An act to amend Sections 6002, 6003, 6020, 6023, 6024, 6041, 6042, 6080, 6082, 6101, 6105, 6108, 6122, 6145, 6160, 6180, 6240, 6241, and 6950 of, to repeal Sections 6004, 6005, 6021, 6086, 6087, and 6100 of, to repeal Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, as introduced, Torres. Elections: Democratic Party.

(1) Existing law, the Alquist Open Presidential Primary Act, specifies procedures for the selection of delegates and alternates to represent the state at the national convention of the Democratic Party to nominate a candidate for President of the United States. Under the act, participation in the delegate selection process is restricted to Democratic voters only who publicly declare their party preference as Democratic supporters and whose affidavits of registration declare the Democratic Party as their party affiliation. The delegates are required to be selected from each congressional district based on a specified formula.

This bill would generally require that the elements and practices to select delegates and alternates be the same as set forth in the standing rules and bylaws of the Democratic National Committee and the Democratic Party of California. The bill would expand participation in the delegate selection process to a voter who declined to state a party affiliation but requested to vote the ballot of the Democratic Party at the partisan primary election and would, instead, require that the delegates and alternates be selected from districts based on a formula

adopted by the Democratic Party of California in compliance with the standing rules and bylaws of the Democratic National Committee. The bill would also revise timeframes for certain procedures of the Secretary of State relating to presidential primary elections.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6002 of the Elections Code is amended
2 to read:

3 6002. (a) This chapter applies both to the selection of delegates
4 and alternates pledged to the candidacy of a particular candidate
5 and to the selection of delegates and alternates not expressing a
6 preference for a particular candidate.

7 (b) *Except as otherwise specified in this chapter, the elements*
8 *and practices to select delegates and alternates shall be the same*
9 *as set forth in the standing rules and bylaws of the Democratic*
10 *National Committee and the Democratic Party of California,*
11 *including the following:*

12 (1) *The form and timeline for any required statement of*
13 *candidacy for delegate candidates.*

14 (2) *The identification of the presidential preference of delegate*
15 *candidates.*

16 (3) *The schedule for, conduct of, and type of districts used to*
17 *organize, caucuses for the selection of district delegate and*
18 *alternate candidates.*

19 (4) *The selection of delegates and alternates other than those*
20 *elected based on the results of district caucuses.*

21 (5) *The allocation of delegates and alternates to presidential*
22 *preferences based on the results of the primary election.*

23 (6) *Any other goals relating to the composition of the delegation.*

24 (c) *The Democratic Party of California shall post any standing*
25 *rules and bylaws relating to this chapter on its Internet Web site.*

26 SEC. 2. Section 6003 of the Elections Code is amended to read:

27 6003. ~~(a) Participation in the delegate selection process in~~
28 ~~primaries and caucuses shall be restricted to Democratic voters~~
29 ~~only who publicly declare their party preference as Democratic~~
30 ~~supporters and whose affidavits of registration declare the~~
31 ~~Democratic Party as their party affiliation and any other voter~~

1 *authorized under subdivision (c) of Section 13102.* ~~At no stage of~~
2 ~~the delegate selection process shall any person be required, directly~~
3 ~~or indirectly, to pay a cost or fee as a condition for participating~~
4 ~~in the delegate selection process.~~

5 (b) ~~No person shall participate or vote in the nominating process~~
6 ~~for the Democratic presidential candidate who also participates in~~
7 ~~the nominating processes of any other party in the same presidential~~
8 ~~election year.~~

9 (c) ~~No person shall participate in more than one congressional~~
10 ~~district delegate caucus.~~

11 SEC. 3. Section 6004 of the Elections Code is repealed.

12 ~~6004. All official Democratic Party meetings and events related~~
13 ~~to the national convention delegate selection process, including~~
14 ~~caucuses, conventions, committee meetings, filing dates, and party~~
15 ~~enrollment periods shall be scheduled for dates, times, and public~~
16 ~~places which are consistent with this chapter and which would be~~
17 ~~most likely to encourage the participation of all Democrats.~~

18 SEC. 4. Section 6005 of the Elections Code is repealed.

19 ~~6005. (a) In the selection of the state's national convention~~
20 ~~delegation as a whole, consideration shall be given to achieving~~
21 ~~the goals of the State Democratic Party's affirmative action plan.~~

22 (b) ~~There shall be approximately equal division between delegate~~
23 ~~men and delegate women and alternate men and alternate women~~
24 ~~in the national convention delegation.~~

25 SEC. 5. Section 6020 of the Elections Code is amended to read:

26 6020. (a) The Chairperson of the Democratic State Central
27 Committee shall notify the Secretary of State on or before the
28 120th day preceding the presidential primary as to the number of
29 delegates and alternates to represent the state in the next national
30 convention of the Democratic Party.

31 (b) The chairperson shall also notify the Secretary of State at
32 the time prescribed in subdivision (a) as to the *type of districts that*
33 *may be used to select delegates and the number of delegates that*
34 *may be selected from each congressional district in connection*
35 *with the presidential primary. The number of delegates and*
36 *alternates that may be selected from each congressional district*
37 *shall be based on a formula that apportions 75 percent of the state's*
38 *base delegation allocated by adopted by the Democratic Party of*
39 *California in compliance with the standing rules and bylaws of*
40 *the Democratic National Committee, among the congressional*

~~districts in a manner that gives equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections for the national convention where the nominee of the Democratic Party for President of the United States will be selected.~~

~~The number of delegates allocated to each congressional district shall be rounded off to the nearest whole integer. The remaining delegates and alternates shall be selected pursuant to Article 11 (commencing with Section 6200).~~

~~(e) Delegates and alternate delegates apportioned to each congressional district shall be selected based on the proportion of the vote a presidential candidate or uncommitted delegation receives within the congressional district pursuant to Section 6200.~~

SEC. 6. Section 6021 of the Elections Code is repealed.

~~6021. (a) All persons wishing to be elected to a district-level or at-large delegate or alternate position shall file a statement of candidacy designating the presidential or uncommitted preference of the delegate candidate, and a signed pledge of support for the presidential candidate the person favors, if any, with the state party chair by a time specified by the party chair.~~

~~(b) If persons eligible for pledged party and elected official delegate positions have not made known their presidential preference under subdivision (a), their preferences shall be ascertained through alternative procedure established by the Democratic State Party. An alternative system may have a later deadline for submitting a pledge of support than the regular procedure.~~

~~(c) All presidential candidates or uncommitted delegations shall hold caucuses to select congressional district delegate candidates and alternate delegate candidates pursuant to Section 6086.~~

SEC. 7. Section 6023 of the Elections Code is amended to read:

6023. The notification of the number of delegates and alternate delegates shall be in substantially the following form:

Statement of Number of Delegates and Alternate Delegates to
Democratic National Convention and of Number of Delegates and
Alternate Delegates to Be Selected from Congressional _____
Districts

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates and alternate delegates to represent the State of California in the next national convention of the Democratic Party is ____.

You are hereby notified that the number of delegates which may be selected from all ~~congressional~~ ____ districts as a part of the delegation to the national convention of the Democratic Party is as follows:

~~Congressional~~ District No. 1. ____ delegates ____ alternates.
~~Congressional~~ District No. 2. ____ delegates ____ alternates.
~~Congressional~~ District No. 3. ____ delegates ____ alternates.
(Followed by the remaining ~~congressional~~ districts).

You are hereby notified that the *categories and* number of ~~pledged party and elected official delegates, at-large delegates, and at-large alternate delegates is, other than those selected by~~ ____ *districts, are* as follows:

~~Unpledged Party Leaders and Elected Officials~~ ____
~~Unpledged Add-on Delegates~~ ____
~~Pledged Party and Elected Official Delegates~~ ____
~~At-large Delegates~~ ____
~~At-large Alternate Delegates~~ ____
Category ____ *Delegates.* ____ *Alternates.*
(Followed by the remaining *categories and number of delegates and alternates*).

Dated this ____ day of ____, ~~19~~ 20__.

Chairperson of the State Central Committee of the
Democratic Party.

SEC. 8. Section 6024 of the Elections Code is amended to read:
6024. If the Chairperson of the Democratic State Central Committee fails to file the notice required by Section 6020 with the Secretary of State, the Secretary of State shall ascertain the

1 total number of delegates from the call for the national convention
2 issued by the *Democratic* National Committee of the ~~Democratic~~
3 ~~Party~~ and shall compute the number of delegates ~~which that~~ may
4 be selected from each congressional district ~~from the~~ *based on a*
5 formula specified in ~~Section 6020~~ *by the Democratic National*
6 *Committee*.

7 SEC. 9. Section 6041 of the Elections Code is amended to read:

8 6041. The Secretary of State shall place the name of a candidate
9 upon the presidential primary ballot when he or she has determined
10 that the candidate is generally advocated for or recognized
11 throughout the United States or California as actively seeking the
12 nomination of the Democratic Party for President of the United
13 States. The Secretary of State shall include as criteria for selecting
14 candidates the fact of qualifying for funding under the Federal
15 Elections Campaign Act of 1974, as amended.

16 Between the 150th day and the ~~63rd~~ *68th* day preceding a
17 presidential primary election, the Secretary of State shall publicly
18 announce and distribute to the news media for publication a list
19 of the selected candidates that he or she intends to place on the
20 ballot at the following presidential primary election. ~~After the 63rd~~
21 ~~day preceding a presidential primary election, the Secretary of~~
22 ~~State may add candidates to the selection, but he or she may not~~
23 ~~delete any presidential candidate whose name appears on the~~
24 ~~announced list except as provided in Section 6043.~~

25 SEC. 10. Section 6042 of the Elections Code is amended to
26 read:

27 6042. When the Secretary of State decides to place the name
28 of a candidate on the ballot pursuant to Section 6041, he or she
29 shall notify the candidate that the candidate's name will appear on
30 the ballot of this state in the presidential primary election.

31 The secretary shall also notify the candidate that the candidate
32 may withdraw his or her name from the list of recognized
33 candidates by filing with the Secretary of State an affidavit pursuant
34 to Section 6043 no later than the ~~60th~~ *68th* day before the
35 presidential primary election.

36 SEC. 11. Section 6080 of the Elections Code is amended to
37 read:

38 6080. ~~Each selected candidate and each candidate who seeks~~
39 ~~to qualify under Article 4 (commencing with Section 6060) of this~~
40 ~~chapter and each group proposing an uncommitted delegation shall~~

1 appoint a steering committee of seven members and shall appoint
2 one of the members to serve as the chairperson.

3 SEC. 12. Section 6082 of the Elections Code is amended to
4 read:

5 6082. Each steering committee shall be responsible for the
6 circulation of nomination papers of candidates who seek to qualify
7 under Article 4 (commencing with Section 6060) and groups
8 proposing uncommitted delegations; ~~including the appointment of~~
9 ~~verification deputies. Each steering committee shall appoint a~~
10 ~~caucus organizer for each congressional district and shall perform~~
11 ~~the duties required of it by this chapter.~~

12 SEC. 13. Section 6086 of the Elections Code is repealed.

13 ~~6086. On a day specified by the Democratic State Central~~
14 ~~Committee preceding the presidential primary election, at 3 p.m.,~~
15 ~~the caucus chairperson in each congressional district shall convene~~
16 ~~a caucus for the purpose of electing potential delegates and~~
17 ~~alternate delegates. The steering committee of each candidate or~~
18 ~~uncommitted delegation shall have sole authority to establish rules~~
19 ~~and procedures, including the naming of caucus chairpersons, by~~
20 ~~which the caucuses of that candidate or uncommitted delegation~~
21 ~~shall be conducted. The rules and procedures shall be uniform~~
22 ~~statewide, and in compliance with the Democratic State Central~~
23 ~~Committee's delegate selection and affirmative action plan. Each~~
24 ~~caucus shall elect a slate of delegate nominees in each~~
25 ~~congressional district pursuant to Article 2 (commencing with~~
26 ~~Section 6020), ranked in the manner specified by this section. The~~
27 ~~slate shall be transmitted to the steering committee of each~~
28 ~~candidate and uncommitted delegation.~~

29 Each participant at each caucus shall reside in, and be a registered
30 Democrat of, the congressional district of the caucus he or she
31 attends and each shall sign a statement of support for that
32 presidential candidate or uncommitted delegation. Within five
33 days after the convening of the caucus, the steering committee of
34 each candidate or uncommitted delegation shall rank the delegate
35 candidates from the slate of delegate candidates provided by each
36 caucus pursuant to procedures in compliance with the Democratic
37 State Central Committee's delegate selection and affirmative action
38 plan. Immediately thereafter, the chairperson of a steering
39 committee shall file with the Secretary of State a statement
40 containing the names of delegate candidates in ranked order from

1 each congressional district. In all cases, the slate for each
2 congressional district shall be equal to the number of delegates
3 and alternate delegates allotted to each congressional district
4 pursuant to Section 6023.

5 SEC. 14. Section 6087 of the Elections Code is repealed.

6 ~~6087. Presidential candidates and uncommitted delegations or~~
7 ~~their steering committees shall take steps to ensure public~~
8 ~~participation in the delegate selection process, which shall include,~~
9 ~~but is not limited to, the convening of congressional district~~
10 ~~caucuses to select delegate candidates, the distribution of~~
11 ~~information to statewide and community press, informing~~
12 ~~Democratic electors of the procedures for delegate candidacy and~~
13 ~~additional steps necessary to achieve the representational goals~~
14 ~~established in the California Democratic Party's Affirmative Action~~
15 ~~Plan.~~

16 SEC. 15. Section 6100 of the Elections Code is repealed.

17 ~~6100. This article shall govern the circulation of nomination~~
18 ~~papers to qualify unselected candidates and uncommitted~~
19 ~~delegations for placement on the presidential primary ballot.~~

20 SEC. 16. Section 6101 of the Elections Code is amended to
21 read:

22 6101. Nomination papers to be circulated pursuant to Section
23 6061 shall be prepared, circulated, signed, and verified and shall
24 be left for examination with the county elections official of the
25 county in which they are circulated at least ~~63~~ 73 days prior to the
26 presidential primary election.

27 SEC. 17. Section 6105 of the Elections Code is amended to
28 read:

29 6105. Any nomination paper may be presented in sections.
30 Each section shall contain the name of the candidate or chairperson
31 of the steering committee in the case of uncommitted delegations.
32 Each section shall bear the name of the county in which it is
33 circulated. Only voters of the county ~~registered as intending to~~
34 ~~affiliate with whose affidavits of registration declare the~~
35 ~~Democratic Party as their party affiliation~~ are competent to sign.

36 SEC. 18. Section 6108 of the Elections Code is amended to
37 read:

38 6108. The nomination paper for the presidential primary ballot
39 shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF A PRESIDENTIAL CANDIDATE OR
UNCOMMITTED DELEGATE

Section ____ Page _

County of _____. Nomination paper of a candidate or uncommitted delegation
for the presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California,
and am registered as ~~intending to affiliate~~ *affiliated* with the Democratic Party.
I hereby nominate _____ for the presidential primary to be held on the _____
day of _____, 20____. I have not signed the nomination paper of any other
candidate or uncommitted delegation, and I further declare that I intend to
support the candidate or uncommitted delegation named herein.

Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County
of _____ to the nomination paper of a candidate or uncommitted delegation for
the presidential primary ballot named in the signer's statement above; that all
the signatures on this section of the nomination paper numbered from 1 to _____,
inclusive, were made in my presence, and that to the best of my knowledge

1 and belief each signature is the genuine signature of the person whose name
2 it purports to be. The signatures were obtained between ____, 20__, and ____,
3 20__.

4 (Signed) _____

5 Circulator

6 Subscribed and sworn to before me this ____ day of ____, 20__.

7 _____
8 (SEAL) Notary Public (or other official)

9
10 SEC. 19. Section 6122 of the Elections Code is amended to
11 read:

12 6122. Circulators may obtain signatures to the nomination
13 paper for which they were appointed at any time between the period
14 of ~~120~~ 130 days and ~~63~~ 73 days, inclusive, prior to the presidential
15 primary election.

16 SEC. 20. Section 6145 of the Elections Code is amended to
17 read:

18 6145. The county elections official's certificate to nomination
19 papers shall be in substantially the following form:

20
21 Certificate of County Elections Official to Nomination Papers

22
23 To the Secretary of State:

24 I, Elections Official of the County of ____, hereby certify that
25 I have examined the nomination papers to which this certificate is
26 attached, of the candidate or uncommitted delegation, as the case
27 may be, for purposes of qualifying for placement on the ballot at the
28 ensuing presidential primary, that the number of names which I have
29 not marked "not sufficient" is ____.

30 Dated this ____ day of ____, ~~19~~ 20__.

31 _____, County Elections Official

32
33 (SEAL) By _____, Deputy

34
35 SEC. 21. Section 6160 of the Elections Code is amended to
36 read:

37 6160. At least ~~60~~ 68 days before a presidential primary, the
38 Secretary of State shall notify each steering committee whether or
39 not it has qualified a candidate or uncommitted delegation for
40 placement on the ballot pursuant to Section 6060.

SEC. 22. Section 6180 of the Elections Code is amended to read:

6180. At least 68 days before a presidential primary election, the Secretary of State shall transmit to each county elections official a certified list containing the name of each candidate who is entitled to be voted for on the ballot at the presidential primary, and the name of each chairperson of a steering committee of an uncommitted delegation who is to be voted for on the same ballot.

~~If no uncommitted delegation has qualified pursuant to Article 4 (commencing with Section 6060), the Secretary of State shall inform the county elections officials to provide for an uncommitted delegate space on the ballot.~~

The certified list shall be in substantially the following form:

Certified List of Presidential Candidates and Uncommitted Delegations

To the County Elections Official of ____ County:

I, ____, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the ____ day of ~~June~~ ____, 20__, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

List of Presidential Candidates and Uncommitted Delegations

Linda Adams
Joseph Black
John Reardon
Unpledged delegation
Paul Minor,
Chairperson

Dated at Sacramento, California, this ____ day of ____, 20__.

(SEAL)

Secretary of State

SEC. 23. Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code is repealed.

SEC. 24. Section 6240 of the Elections Code is amended to read:

6240. Notwithstanding any other provision of law, a space shall be provided on the presidential primary ballot for a voter to write in the name of a ~~delegate nominee for election as an unpledged delegate~~ *candidate for nomination by the Democratic Party for President of the United States*.

SEC. 25. Section 6241 of the Elections Code is amended to read:

6241. Any person who believes his or her name may be used as a write-in candidate for ~~unpledged delegate~~ *nomination by the Democratic Party for President of the United States* shall, not later than 21 days before the primary election, file for endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

SEC. 26. Section 6950 of the Elections Code is amended to read:

6950. Within three days of receiving the names of delegate candidates from the chairpersons of the steering committees, ~~as provided for in Section 6086,~~ the Secretary of State shall transmit to each elections official a certified list, for each congressional district wholly or partially within that county, containing the names of the delegate candidates selected and pledged to each candidate or uncommitted delegation who is entitled to be voted for on the ballot at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Delegate Candidates

In the ____ Congressional District

To the County Elections Official of ____ County:

I, ____, Secretary of State, do hereby certify that the following persons, listed beneath the name of the presidential candidate or uncommitted delegation they are pledged to, are the delegate candidates who will represent the voters of this congressional district at the ____ Democratic National Convention to the extent, based on his or her proportional share of the total votes for president in this district, that each presidential candidate or uncommitted delegation is entitled to delegates from this district.

List of Delegates Pledged to Presidential

Candidates and Uncommitted Delegations

In the ____ Congressional District

1	Delegates Pledged to	Delegates Pledged to
2	Rosalyn Lever	Janice Atkinson
3		
4	Deborah Seiler	John Mott-Smith
5	Elaine Ginnold	Rosa Garcia-Viteri
6	George Mann	Bruce Bolinger
7	Darren Chesin	Mary DeLost
8	Delegates Pledged to	Delegates Pledged to
9	Christopher Zirkle	Unpledged Delegation,
10		James Ashford, Chairperson
11	Mark Terry	Abra Reynaga
12	Romulo Lopez	Sylvia Cheng
13	Linda M. Gonzalez	Michael Ognisty
14	Joe Ayala	Bill Pitts
15	Lori Joseph	Lynne Chinn
16	Dated at Sacramento, California, this _____ day of	
17	_____, 19 20__.	
18		_____ Secretary of State
19	(SEAL)	
20		

O